

Sand, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN KALLINEN, Derivatively On Behalf
of E*TRADE FINANCIAL CORPORATION,

Plaintiff,

vs.

MITCHELL H. CAPLAN, R. JARRETT
LILIEN, ROBERT J. SIMMONS, GEORGE
A. HAYTER, DARYL BREWSTER,
RONALD D. FISHER, MICHAEL K. PARKS,
C. CATHLEEN RAFFAELI, LEWIS E.
RANDALL, DONNA L. WEAVER and
STEPHEN H. WILLARD,

Defendants,

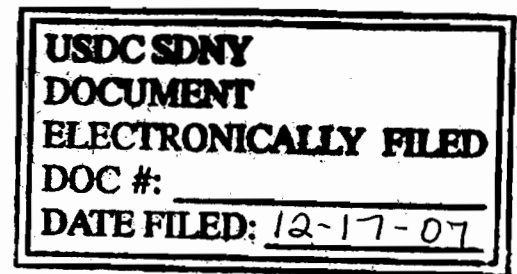
-and-

E*TRADE FINANCIAL CORPORATION, a
Delaware corporation,

Nominal Defendant.

Case No. 07 CIV 9697 (S/LBS)

VOLUNTARY DISMISSAL
(F.R.C.P. 41)



No defendant having been served, or appeared, or having answered or served a motion for summary judgment, plaintiff voluntarily dismisses the action.

LAW OFFICES OF THOMAS G. AMON

By:

Thomas G. Amon (TGA-1515)
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Dated: New York, New York
December 10, 2007

SO ORDERED:

U.S.D.J.

12/17/07